

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FREDERICK SCHOLTISEK, On Behalf of Himself  
And All Other Employees Similarly Situated,

Plaintiff,

ORDER

03-CV-6656L(F)

v.

THE ELDRE CORPORATION,

Defendant.


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By notice of motion filed December 30, 2005 (Dkt. #152), defendant seeks an *in limine* ruling concerning the scope of the testimony of one witness, Kathleen Davis. From the motion, it appears that the parties had made good faith efforts to resolve a discovery dispute and had prepared a stipulation as to certain matters dealing with advice-of-counsel and the attorney-client privilege, as set forth at page 7 of defendant's memorandum of law in support of the *in limine* motion. Such a stipulation would seem to resolve most of the issues raised in the discovery dispute.

I decline to rule at this time on defendant's motion *in limine*. I do schedule a final pretrial conference before trial to deal with a myriad of trial issues, including evidentiary issues and *in limine* motions. Often, until a case is ready for trial and until the need for the witness is clear, it is difficult to rule in advance as to all possible questions that might be asked of the witness. Therefore, I defer ruling on the pending motion until the pretrial conference. I expect plaintiff to file a response

to the motion to be served on the Court and defendant's counsel one week prior to the pretrial conference.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
February 14, 2006.